

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA,      )  
                                    )  
Plaintiff,                      )  
                                    )  
v.                              )      Case No. 07-CR-00299-HFS  
                                    )  
TOBY L. RICE                    )  
                                    )  
Defendant.                     )

**ORDER**

On August 28, 2020, this Court denied Toby L. Rice's motion for Compassionate Release Under 18 U.S.C. § 3582(c)(1)(A), concluding that Rice had not met his burden of showing extraordinary and compelling reason for compassionate release. (Doc. 79).

On September 8, 2020, Defendant Rice made two subsequent filings with the Court. (Docs. 80,81). In those filings, Rice states that there have been additional cases of Covid-19 in the facility and that prison staff are concerned that the virus is spreading and that they lack PPE to safeguard prisoners. He also states that there are only two empty bunks on his floor and that he is sharing three toilets and one urinal with over 110 inmates. (Docs. 80,81).

To the extent the subsequent correspondence is considered a motion to reconsider, the motions are DENIED. (Docs. 80,81). Rice's health issues do not rise to the level of extraordinary or compelling. The complaints raised in the subsequent correspondence may have changed the principal basis for release from covid-19 to conditions of confinement. While that normally results in litigation outside this district, seeking a change of conditions or damages, there is no briefing offered supporting that basis for complete release from further imprisonment (habeas type relief or conceivably "compassionate release"). The practical remedy might be a furlough, which can be granted only by the warden.<sup>1</sup>

For these reasons, Defendant Rice's supplemental correspondence construed as motions to reconsider are DENIED. (Docs. 80,81). The Clerk of Court is directed to mail a copy of this Order to:

**Toby L. Rice**  
20354-044  
ROCHESTER FEDERAL MEDICAL CENTER  
Inmate Mail/Parcels  
P.O. Box 4000  
ROCHESTER, MN

s/ HOWARD F. SACHS  
Howard F. Sachs  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Government counsel is requested to submit Mr. Rice's supplemental correspondence (Docs. 80,81) to the warden, for appropriate consideration (with the rest of this file, if needed).

September 22, 2020  
Kansas City, Missouri